

REMARKS

The Examiner has rejected Claim 41 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant asserts that such rejection is avoided in view of the amendments made hereinabove to independent Claim 41.

In the Office Action dated 11/09/2009, on Pages 13-14, the Examiner has cited several excerpts from the “Background of the Invention” section of applicant’s Specification and has stated that “[b]roadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art... (MPEP § 2144.04 III).” Applicant respectfully disagrees with the Examiner’s assertion and points out that the independent claims are not merely limited to an “automatic ...means to replace a manual activity,” as suggested by the Examiner. Applicant respectfully asserts that each of the claims should only be limited by the language existing therein.

Further, in the Office Action dated 11/09/2009, on Pages 13-18, the Examiner has provided definitions for “Macro,” “Form,” “Data Structure,” “Enable,” “Executable program,” and “Storage.” Applicant respectfully asserts that the aforementioned terms are to be read according to the plain and ordinary meaning thereof, in view of dictionary definitions, and in further view of the Specification.

Additionally, in the Office Action dated 11/09/2009, on Page 15, applicant notes that the Examiner has relied on Ronchi (U.S. Publication No. 2002/0077973), which constitutes a reference separate from those in the relevant rejection under 35 U.S.C. 103(a). Further, it is noted that the Examiner has failed to cite specific motivation in the relevant reference(s) to support the case for combining the Ronchi reference. The Examiner is reminded that the Federal Circuit requires that there must be some logical reason apparent from the evidence of record that would justify the combination or

modification of references. In re Regel, 188 USPQ 132 (CCPA 1975). Thus, the reliance on the Ronchi reference, on its face, is clearly improper.

Furthermore, in the Office Action dated 11/09/2009, on Pages 16-18, the Examiner has made numerous alleged conclusions based on the Examiner's claim interpretations presented in items I-XVI. Applicant respectfully disagrees and asserts that each of the claims should only be limited by the language existing therein and in the context as claimed.

For example, in items nnn-ooo, the Examiner has alleged that "[a]pplicants consider the instant invention to fulfill the need of providing an automated means for performing the known processes" and that "[u]nless an automatic means provides a different result than the manual process, it is obvious over the manual process." Applicant respectfully disagrees with the Examiner's broad allegations and points out that the independent claims are not merely limited to "providing an automated means for performing the known processes," as alleged by the Examiner. Again, applicant respectfully asserts that each of the claims should only be limited by the language existing therein. Furthermore, applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

As another example, in item www, the Examiner has alleged that "[s]torage of purely descriptive material... in a memory does not impart any inherent new or unobvious functional relationship, and therefore the descriptive material itself need not be given patentable weight." Applicant respectfully disagrees and asserts, as an example, that applicant clearly claims "executing the transaction pattern to carry out another transaction" (see this or similar, but not necessarily identical language in the aforementioned claims – emphasis added), as claimed, which is not merely descriptive

material, as alleged by the Examiner. Again, applicant asserts that each of the claims should only be limited by the language existing therein and in the context as claimed.

The Examiner has rejected Claims 1, 4-6, 8-16, 19-33, 35-42, 44, and 45 under 35 U.S.C. 103(a) as being unpatentable over Ukigawa et al. (U.S. Publication No. 2001/0021925). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to at least some of the independent claims. Specifically, applicant has amended at least some of the independent claims to at least substantially include the subject matter of former dependent Claim 15 et al.

With respect to independent Claims 1, 16, 31, and 41, the Examiner has relied on Paragraph [0019] from the Ukigawa reference to make a prior art showing of applicant's claimed "transaction pattern detailing a transaction associated with a single user" (see this or similar, but not necessarily identical language in the aforementioned independent claims). Specifically, the Examiner has relied upon "information regarding settlement means held by the user" to teach applicant's claimed language.

Applicant respectfully disagrees and asserts that the excerpt from Ukigawa relied upon by the Examiner merely teaches that "the at least one user device including" (Paragraph [0016]) "user-information storage means for storing the ID information, user information regarding the user, and information regarding settlement means held by the user, in association with each other" (Paragraph [0019] – emphasis added). Furthermore, Ukigawa teaches a "credit card, etc." as an example of the information regarding the settlement means (Paragraph [0024] – emphasis added).

However, simply teaching user-information storage means for storing the ID information, user information regarding the user, and information regarding settlement means held by the user (e.g., a credit card), as in Ukigawa, simply fails to suggest any sort of a "transaction pattern," much less applicant's claimed "transaction pattern detailing a transaction associated with a single user" (emphasis added), as claimed by applicant. Clearly, storing information regarding settlement means held by the user (e.g.,

a credit card), as in Ukigawa, simply fails to even *suggest* a “transaction pattern detailing a transaction” (emphasis added), as specifically claimed by applicant.

Further, with respect to independent Claims 33 and 42, the Examiner has relied on Paragraph [0019] from the Ukigawa reference to make a prior art showing of applicant’s claimed “recording information submitted by a single user as part of a transaction associated with the single user” (see this or similar, but not necessarily identical language in the aforementioned independent claims). Specifically, the Examiner has relied upon “information regarding settlement means held by the user” to teach applicant’s claimed language.

Applicant respectfully disagrees and asserts, as argued hereinabove, that the excerpt from Ukigawa relied upon by the Examiner teaches user-information storage means for storing the ID information, user information regarding the user, and information regarding settlement means held by the user (e.g., a credit card), which simply fails to suggest applicant’s claimed “recording information submitted by a single user as part of a transaction associated with the single user” (emphasis added), as claimed by applicant. Clearly, storing information regarding settlement means held by the user (e.g. a credit card), as in Ukigawa, simply fails to teach “recording information submitted by a single user as part of a transaction” (emphasis added), as specifically claimed by applicant.

Additionally, with respect to Claims 1, 16, 31, 33, and 42, the Examiner has relied on Paragraphs [0020], [0021], [0023], and [0024] from the Ukigawa reference to make a prior art showing of applicant’s claimed “record of...system actions taken by a system in response to the information and the user actions in order to generate results” (see this or similar, but not necessarily identical language in the aforementioned independent claims). Specifically, the Examiner has relied upon “receiving,” “extraction,” “user of the user device can purchase the product on sale online in the merchant site,” and “settlement” to teach applicant’s claimed language.

Applicant respectfully disagrees and asserts that the excerpts from Ukigawa relied on by the Examiner teach “purchase-instruction receiving means for receiving the first purchase instruction sent from the first purchase instruction sending means” (Paragraph [0020] – emphasis added), “user-information extraction means for... extracting corresponding information regarding the user and corresponding information regarding the settlement means” (Paragraph [0021] – emphasis added), and “settlement requesting means for requesting the settlement device for settling an account for the purchased product” (Paragraph [0024] – emphasis added).

Further, the excerpts teach that “the user of the user device can purchase the product on sale online in the merchant site, without the need for inputting the information regarding the settlement means (e.g., credit card, etc.) or his/her name every time the user purchases a product” and that “[t]he information regarding the settlement means of the user is not directly transmitted to the merchant site, thus preventing the leakage of the personal information of the user” (Paragraph [0024] – emphasis added).

However, receiving the first purchase instruction, extracting corresponding information regarding the user and corresponding information regarding the settlement means (e.g., credit card), and requesting the settlement device for settling an account for the purchased product, in addition to teaching that the user can purchase the product on sale online in the merchant site without inputting the information regarding the settlement means (e.g., credit card) or the user’s name, where the information regarding the settlement means (e.g., credit card) of the user is not transmitted to the merchant site, as in Ukigawa, simply fails to suggest any sort of “a record of... system actions taken by a system in response to the information and the user actions in order to generate results” (emphasis added), as claimed, especially where the information includes “information submitted by the user” and the user actions include “user actions taken by the user,” in the context specifically claimed by applicant.

In addition, with respect to independent Claim 41, the Examiner has relied on Paragraphs [0020], [0021], and [0023] from the Ukigawa reference to make a prior art

showing of applicant's claimed "record of... system actions taken by a system in response to the information and the creation and actions in order to generate results." Specifically, the Examiner has relied upon "receiving," "extraction," and "settlement" to teach applicant's claimed language.

Applicant respectfully disagrees and asserts, as argued hereinabove, that the excerpts from Ukigawa relied on by the Examiner teach receiving the first purchase instruction, extracting corresponding information regarding the user and corresponding information regarding the settlement means (e.g., credit card), and requesting the settlement device for settling an account for the purchased product, which simply fails to suggest any sort of "a record of... system actions taken by a system in response to the information **and** the creation and actions in order to generate results" (emphasis added), as claimed, especially where the information includes "information submitted by the user" and the creation and actions are "associated with forms...with which a user submits information," in the context as specifically claimed by applicant.

Furthermore, with respect to independent Claims 1, 16, 31, 33, and 42, the Examiner has relied on Paragraph [0062] from the Ukigawa reference to make a prior art showing of applicant's claimed technique "wherein the storage of the transaction pattern includes storage of records of a navigation of the single user during the transaction" (see this or similar, but not necessarily identical language in the aforementioned independent claims). Specifically, the Examiner has relied upon "browsing a merchant site" to teach applicant's claimed language.

Applicant respectfully disagrees and asserts that the excerpt from Ukigawa relied upon by the Examiner merely teaches "a method for browsing a merchant site served up on Internet using a computer device, and for sending an instruction for purchasing a product on sale in the browsed merchant site" (Paragraph [0062] – emphasis added).

However, merely browsing a merchant site using a computer device, and sending an instruction for purchasing a product on sale in the browsed merchant site, as in

Ukigawa, simply fails to suggest applicant's claimed technique "wherein the storage of the transaction pattern includes storage of records of a navigation of the single user during the transaction" (emphasis added), as claimed by applicant. Clearly, browsing a merchant site and sending an instruction for purchasing a product, as in Ukigawa, simply fails to even suggest that "the storage of the transaction pattern includes storage of records of a navigation of the single user during the transaction" (emphasis added), as specifically claimed by applicant.


Further, with respect to independent Claim 41, the Examiner has relied on Paragraph [0062] from the Ukigawa reference to make a prior art showing of applicant's claimed technique where "the transaction pattern includes a record of... navigation of the single user within the e-commerce process." Specifically, the Examiner has relied upon "browsing a merchant site" to teach applicant's claimed language.

Applicant respectfully disagrees and asserts, as argued hereinabove, that the excerpt from Ukigawa relied upon by the Examiner merely teaches browsing a merchant site using a computer device, and sending an instruction for purchasing a product on sale in the browsed merchant site, which simply fails to suggest applicant's claimed technique where "the transaction pattern includes a record of... navigation of the single user within the e-commerce process" (emphasis added), as claimed by applicant. Clearly, browsing a merchant site and sending an instruction for purchasing a product, as in Ukigawa, simply fails to even suggest that "transaction pattern includes a record of... navigation of the single user within the e-commerce process" (emphasis added), as specifically claimed by applicant.

Additionally, with respect to the independent claims, the Examiner has relied on Figure 5 (reproduced below) from the Ukigawa reference to make a prior art showing of applicant's claimed technique "wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process" (see this or similar, but not necessarily identical language in the independent claims).

FIG. 5

26



| ID | PW | NAME | | CREDIT CARD COMPANY | CREDIT CARD NUMBER |
|-------|------|------------|-------|---------------------|--------------------|
| AB123 | **** | A.B.CUDDON | | A | 9xxx-xxxx |
| AB124 | **** | C.D.MANSER | | A | 9xxx-xxxx |
| AB124 | **** | C.D.MANSER | | B | 4xxx-xxxx |
| AB125 | **** | G.H.HOWELL | | B | 4xxx-xxxx |
| AB126 | **** | I.J.TURTON | | C | 6xxx-xxxx |
| ⋮ | ⋮ | ⋮ | ⋮ | ⋮ | ⋮ |

Applicant respectfully asserts that the figure from Ukigawa relied upon by the Examiner merely illustrates “a diagram showing the structure of the user information database 26,” where “[a]s shown in FIG. [5], the user information database 26 registers data in the form of a table” and that “[i]n the database 26, each record (a row in the table) includes fields of ‘User ID’, ‘Password (PW)’, ‘User Name’, ‘Any other User Attribute’..., ‘Credit Card Company’, and ‘Credit Card Number’ (Paragraph [0173] – emphasis added).

However, merely illustrating the structure of the user information database, where each record includes fields of User ID, Password, User Name, Any other User Attribute, Credit Card Company, and Credit Card Number, as in Ukigawa, simply fails to suggest applicant’s claimed technique “wherein the transaction pattern further includes information **submitted by the single user, in each form and in each step of a login and account access process**” (emphasis added), as claimed.

In addition, with respect to the independent claims, the Examiner has relied on Paragraphs [0196] and [0202] from the Ukigawa reference to make a prior art showing of applicant’s claimed technique “wherein the transaction pattern further includes a record

of the actions taken by the system which enable access of the single user to data, and actions enabled by the data to retrieve content” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that the excerpts from Ukigawa relied upon by the Examiner merely teach that “[u]pon reception of the confirmation from the merchant site 3, the CPU 21 processes information (including the credit card number, the name of the user 10, the total price, the name of the merchant site 3 (the shop 30) providing the purchased product, etc.) which is necessary for settling the bill, into a predetermined data format” and that “the CPU 21 controls the communications device 23 to send the processed data as a settlement instruction to the server 4” (Paragraph [0196] – emphasis added). Further, the excerpts teach that “[w]hen purchasing a product, the user 10 accesses the merchant site 3 from the user terminal 1 through the Internet, acquires the contents provided by the merchant site 3, and displays the acquired contents on the display device 14 (particularly, in the browser window 121) of the user terminal 1” (Paragraph [0202] – emphasis added).

However, teaching that upon reception of the confirmation from the merchant site, the CPU processes information (e.g. credit card number, name of the user, etc.) into a predetermined data format and controls the communications device to send the processed data as a settlement instruction to the server, in addition to teaching that when purchasing a product, the user accesses the merchant site from the user terminal, acquires the contents provided by the merchant site, and displays the acquired contents on the display device, as in Ukigawa, fails to suggest applicant’s claimed technique “wherein the transaction pattern further includes a record of the actions taken by the system which enable access of the single user to data, and actions enabled by the data to retrieve content” (emphasis added), as claimed by applicant. Clearly, processing information into a predetermined data format, and sending processed data as a settlement instruction to the server, in addition to acquiring the contents provided by the merchant site when the user accesses the merchant site, as in Ukigawa, simply fails to even suggest that “the transaction pattern further includes a record of the actions taken by the system which

enable access of the single user to data, and actions enabled by the data to retrieve content” (emphasis added), as claimed by applicant.

Furthermore, with respect to independent Claim 42, the Examiner has relied on Paragraph [0192] from the Ukigawa reference to make a prior art showing of applicant’s claimed “executing the transaction pattern to automatically carry out another transaction upon receiving the single user request for the transaction, including... recognizing a state of a remote application.” Specifically, the Examiner has relied upon “waits for the purchase instruction to be received” to teach applicant’s claimed language.

Applicant respectfully disagrees and asserts that the excerpt from Ukigawa relied upon by the Examiner merely teaches that “[t]he CPU 21 determines whether the purchase instruction (refer to the step S15) sent from the user terminal 1 through the Internet has been received by the agent server 2 (Step S21),” where “[i]n the case where it is determined that the purchase instruction is not received, the CPU 21 repeats the procedure of the step S21, and waits for the purchase instruction to be received” and “[i]n the case where it is determined that the purchase instruction is received, the CPU 21 searches the user information database 26 for corresponding user information based on a user ID included in the received purchase instruction, and retrieves all records which correspond to the user ID (Step S22)” (Paragraph [0192] – emphasis added).

However, merely determining whether the purchase instruction has been received by the agent server, where if it is determined that the purchase instruction is not received, the CPU repeats the procedure and waits for the purchase instruction to be received, and if it is determined that the purchase instruction is received, the CPU searches the user information database for corresponding user information based on a user ID included in the received purchase instruction, and retrieves all records which correspond to the user ID, as in Ukigawa, simply fails to suggest applicant’s claimed “executing the transaction pattern to automatically carry out another transaction upon receiving the single user request for the transaction, including... recognizing a state of a remote application” (emphasis added), as claimed by applicant. Clearly, repeating the procedure and waiting

for the purchase instruction to be received if it is determined that the purchase instruction has not been received by the agent server, as in Ukigawa, simply fails to even suggest “executing the transaction pattern to automatically carry out another transaction upon receiving the single user request for the transaction, including... recognizing a state of a remote application” (emphasis added), as claimed by applicant.

Still yet, with respect to the independent claims, the Examiner has relied upon Official Notice to make a prior art showing of applicant’s claimed “executing the transaction pattern to carry out another transaction” (see this or similar, but not necessarily identical language in the independent claims). Additionally, with respect to independent Claims 1, 16, 31, 33, and 42, the Examiner has relied on Official Notice to make a prior art showing of applicant’s claimed technique “wherein the transaction pattern includes a record of: information submitted by the single user” (see this or similar, but not necessarily identical language in the independent Claims 1, 16, 31, and 33) and applicant’s claimed “recording information submitted by a single user as part of a transaction associated with the single user” (see independent Claim 42). In addition, with respect to independent Claim 42, the Examiner has relied on Official Notice to make a prior art showing of applicant’s claimed “generating a transaction pattern based on the recorded information.”

Specifically, the Examiner has argued that “the recording and subsequent execution of the transaction pattern to repeat the process previously performed manually is merely the automation of a known process” and that “MPEP § 2144.04 III states ‘[b]roadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.’” Further, the Examiner has argued that “[t]herefore, it would have been obvious... to have modified the teachings of Ukigawa to record and automate the steps performed because it would make subsequent purchases easier on the purchaser.”

Applicant respectfully disagrees and asserts, in view of the arguments made hereinabove, that applicant has clearly shown how the excerpts from Ukigawa relied

upon by the Examiner simply fail to meet at least some of applicant's claimed techniques. Therefore, since applicant has indicated how Ukigawa fails to meet at least some of applicant's claimed techniques, it simply cannot be "obvious... to have modified the teachings of Ukigawa to record and automate the steps," as alleged by the Examiner. Therefore, applicant has adequately traversed the Examiner's assertion of Official Notice, and thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP above.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of former Claim 15 et al. into at least some of the independent claims.

With respect to the subject matter of former Claim 15 et al. (now at least substantially incorporated into independent Claims 1, 16, 31, 33, and 41), the Examiner has relied on Paragraph [0192] from the Ukigawa reference to make a prior art showing of applicant's claimed technique "wherein the execution of the transaction pattern includes recognizing a state of a remote application" (see this or similar, but not necessarily identical language in independent Claims 1, 16, 31, 33, and 41). Specifically,

the Examiner has relied upon “waits for the purchase instruction to be received” to teach applicant’s claimed language.

Applicant respectfully disagrees and asserts that, as argued hereinabove, the excerpt from Ukigawa relied upon by the Examiner merely teaches determining whether the purchase instruction has been received by the agent server, where if it is determined that the purchase instruction is not received, the CPU repeats the procedure and waits for the purchase instruction to be received, and if it is determined that the purchase instruction is received, the CPU searches the user information database for corresponding user information based on a user ID included in the received purchase instruction, and retrieves all records which correspond to the user ID, which simply fails to suggest applicant’s claimed technique “wherein the execution of the transaction pattern includes recognizing a state of a remote application” (emphasis added), as claimed by applicant. Clearly, repeating the procedure and waiting for the purchase instruction to be received if it is determined that the purchase instruction has not been received by the agent server, as in Ukigawa, simply fails to even suggest that “the execution of the transaction pattern includes recognizing a state of a remote application” (emphasis added), as claimed by applicant.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 12 et al., the Examiner has relied on Paragraph [0062] from the Ukigawa reference to make a prior art showing of applicant’s claimed technique “wherein the execution of the transaction pattern involves automatic navigation during the other transaction.” Specifically, the Examiner has relied upon “browsing a merchant site” to teach applicant’s claimed language.

Applicant respectfully asserts that the excerpt from Ukigawa relied upon by the Examiner merely teaches “a method for browsing a merchant site served up on Internet using a computer device, and for sending an instruction for purchasing a product on sale in the browsed merchant site” (Paragraph [0062] – emphasis added).

However, merely browsing a merchant site using a computer device, and sending an instruction for purchasing a product on sale in the browsed merchant site, as in Ukigawa, simply fails to suggest applicant’s claimed technique “wherein the execution of the transaction pattern involves automatic navigation **during the other transaction**” (emphasis added), as claimed by applicant.

Again, since at least the third element of the *prima facie* case of obviousness has not been met, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner’s attention the subject matter of new Claim 46 below, which is added for full consideration:

“wherein the state of the remote application is recognized based on content and probability of a web page represented as the state, the state including a state of the remote application’s interaction by the single user, and includes a dedicated connector used to create state definitions and to operate on states” (see Claim 46).

Again, a notice of allowance or a proper prior art showing of all of applicant’s claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP371).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100